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## Pan Americanism and the Pan American Conferences

THE Sixth International Conference of American States, better known as the Pan American Congress, which is scheduled to meet at Havana, Cuba, on January 16, 1928, promises to be of more than usual interest because of the importance attached to it by the United States Government. President Coolidge has expressed a desire to attend the opening session and Secretary of State Kellogg, though not a delegate, has "stated orally" that he intends to go to Havana for the opening session and will remain there for two or three days. The United States delegation is composed of men of outstanding ability and is headed by former Secretary of State Charles Evans Hughes. The other members are Henry P. Fletcher, American Ambassador to Italy, who has held diplomatic posts in Cuba, Chile, and Mexico; Oscar W. Underwood, former Senator; Dwight W. Morrow, American Ambassador to Mexico; former Judge Morgan J. O'Brien; James Brown Scott, Secretary of the Carnegie Endowment for International Peace; Ray Lyman Wilbur, President of Leland Stanford University; Dr. Leo S. Rowe, Director General of the Pan American

Union<sup>1</sup>; and the new Ambassador to Cuba.

The appointment of this distinguished delegation is taken to indicate the Government's desire to allay criticism—both at home and in Latin America—of the Latin American policies of the United States, and to remove the misunderstandings which have marred our relations with certain states. The long-standing dispute between the United States and Mexico, the attempted Tacna-Arica settlement, the recent activities of the United States in Nicaragua and the pending treaty with Panama have recently been the subject of particular criticism in the Latin American press.

Several other countries are sending their leading diplomats and scholars to Havana. The Cuban delegation will be headed by Dr. Antonio Sanchez de Bustamante, an eminent jurist and a judge on the Permanent Court of International Justice. Argentina is send-

1. The fact that Dr. Rowe is Director General of the Pan American Union and at the same time one of the official Delegates of the United States Government raises an interesting question. It has been pointed out that if Great Britain should appoint, as her representative to the Assembly of the League of Nations, the Secretary General of the League—who happens to be a British subject—the situation would be somewhat analogous to the appointment of Dr. Rowe by the United States. However, Dr. Rowe served in both capacities at the Fifth Pan American Conference in 1923 and there is no record in the minutes of the Conference that any objections were made.

ing Dr. Honorio Pueyrredon, Argentine Ambassador at Washington. The delegations of Panama and Colombia will likewise be headed by their diplomatic representatives at Washington. Rumors that, at the request of the Cuban Government, the League of Nations has decided to aid in preparations for the Conference and to send a member of the League Secretariat to observe the Conference have been received with surprise at the State Department. The Department is understood to believe that the report was put out as a feeler. It is pointed out that such an invitation to the League would require the approval of the entire Pan American Conference.

#### AGENDA OF SIXTH CONFERENCE

The agenda includes a plan to place the Pan American Union on a permanent basis by concluding a treaty or convention defining its scope and activities. At present the Pan American Union owes its existence merely to a resolution readopted at each succeeding Conference. The program includes, further, seven groups of subjects: the Pan American Union; matters of an inter-American juridical nature; problems of communication; intellectual cooperation; economic problems; social problems; and reports on treaties, conventions and resolutions.<sup>2</sup>

The time of the Conference will be given largely to a consideration of the action and results of various Pan American commissions and conferences created by the Fifth Conference in 1923. Of importance is the consideration of the projects drafted by the Commission of Jurists, which met in Rio de Janeiro in April, 1927, tending toward the codification of international law, and uniformity in civil, commercial, procedural, and other branches of private law.

While no questions of a political nature are mentioned in the agenda, certain propositions of a political nature were presented to the Commission of Jurists. The Commission took no action on them, but "decided to transmit and to submit some of them for the consideration of the Sixth International Conference" at Havana in 1928. Among these projects of a political nature one, pre-

sented by the Dominican Republic and Mexico, is as follows:

"No State may in the future directly or indirectly, nor by reason of any motive, occupy even temporarily any portion of the territory of another State. The consent given to the occupying State by the State occupied will not legitimize the occupation and the occupant will be responsible for all occurrences resulting from the occupation not only with respect to the State occupied but to third parties as well."

The approaching sessions of the Sixth Conference direct attention to previous Pan American Conferences. What is their origin? Who were the founders of the Pan American movement? Is Pan Americanism as it exists today the outgrowth of the plans of the founders of the movement or has it been modified extensively? Is it primarily an idea of North Americans or of Latin Americans? Is it primarily political or primarily economic or commercial or humanitarian, or is it a judicious combination of all?

#### THE PANAMA CONGRESS OF 1826

Ideas of Pan American cooperation are almost as old as the birth of the South American Republics. A feeling of kinship based on race, language and a similar cultural and political heritage was enhanced by the fear that Spain (possibly with the aid of the so-called Holy Alliance) would attempt to regain her American colonies, and it was natural that the idea of basing their security on mutual political cooperation should arise. Proposals were made for a congress of the American states to meet at Panama in 1826. Suggestions and plans for this congress seem to have originated in several South American countries simultaneously, though the great South American Liberator, Bolivar, was its most active advocate. Bolivar proposed a political union, or league of the former Spanish colonies, to function through a congress which should help preserve peace between the nations of America and act as a council of cooperation in case it should be necessary to defend the new republics against foreign aggression. He did not at first contemplate the presence of the United States at the congress but the Governments of Colombia and Mexico felt that the United

2. For complete agenda, see appendix, page 288.

States should be asked to participate and, accordingly, they sent invitations.

Sentiment in the United States had been distinctly favorable to the South American revolutionists in their struggle for independence but there was nothing to indicate to them that the United States would take up its arms in their defense. The Monroe Doctrine, which was enunciated in 1823, was for the most part received with mixed feelings or with indifference in South America but some states hoped that it would lead to a closer accord between the United States and the South American republics.<sup>3</sup>

The invitations to the Panama Congress precipitated discussion in the United States Senate, many Senators fearing that participation in the proposed conference might involve the United States in a war with Spain, who still claimed the South American republics as her colonies. There was a suspicion that the proposed Congress might discuss the probable destiny of Cuba and Porto Rico.

While the Senate finally accepted the invitation, the United States delegates failed to participate in the Congress, which met at Panama in June, 1826. In fact, representatives of only four countries were present—Colombia, Peru, Mexico and Central America. Plans for a Pan American Confederation, to function through periodical congresses, failed to meet with the approval of the various governments, and the Congress left no concrete results.

#### POLITICAL CHARACTER OF EARLY CONFERENCES

Despite this failure a number of congresses were called during the next fifty years to form an alliance between the Latin American republics for the purposes of defense against foreign invasion and for the peaceful settlement of inter-American disputes. To some of these the United States was not invited; to others she was invited but did not attend. All of these congresses aimed at closer political ties between the American countries; proposals for non-political agreements were rare.

A trend toward non-political conferences

began in the final quarter of the nineteenth century. In 1877 a congress of jurists representing nine Spanish-American countries assembled at Lima to discuss the unification of private international law. A similar conference was held in Montevideo in 1888, and sanitary conferences met in 1877 and 1878.

This new turn in affairs probably helped prepare the way for closer relations between the United States and Latin America. At any rate the activities of the Pan American Conferences, which were commenced at this time, tended to become largely non-political.

During this period any hope which Latin American countries may have had of securing close political cooperation with the United States was largely destroyed. The Mexican War, the filibustering exploits of North American adventurers, and the noisy patriotism of those who believed it was the "manifest destiny" of the United States to rule the western hemisphere had aroused a spirit of mistrust in South America. At the same time it was becoming apparent in the United States that Latin American countries were trading more with Europe than with this country.

#### UNITED STATES TAKES INITIATIVE IN 1881

In 1881 Mr. James G. Blaine, Secretary of State of the United States, inspired by the motives of improving United States trade with South America and fostering peace between the nations of the American continent, extended an invitation from the United States Government "to all the independent countries of North and South America" to participate in a general congress to be held in Washington in November, 1882, "for the purpose of considering and discussing the methods of preventing war between the nations of America."

"The President desires," said Mr. Blaine, "that the attention of the congress shall be strictly confined to this one object, that its sole aim shall be to seek a way of permanently averting the horrors of cruel and bloody combat between countries, oftenest of one blood and speech, or the even worse calamity of internal commotion and civil strife; that it shall regard the burdensome and far-reaching consequences of such struggles, the legacies of exhausted finances, of

3. Cf. Perkins, D., *The Monroe Doctrine*, 1823-1826. pp. 40ff, 149ff, 204ff.

oppressive debt, of onerous taxation, of ruined cities, of paralyzed industries, of devastated fields, of ruthless conscription, of the slaughter of men, of the grief of the widow and the orphan, of embittered resentments that long survive those who provoked them and heavily afflict the innocent generations that come after."

Mr. Blaine hoped that before November, 1882, the date set for the conference, the War of the Pacific would be ended; but Chile and Peru continued hostilities and, with a change in administrations in the United States, the invitations were withdrawn.

Nothing in the invitation sent out by Mr. Blaine indicated that the United States had any aims other than the development of methods of preserving peace in the Americas. In an article in the *Chicago Weekly News* for September 16, 1882, on the Foreign Policy of the Garfield Administration, Mr. Blaine wrote that the two principal objects of his South American policy were:

"First to bring about peace and prevent future wars in North and South America; second, to cultivate such friendly commercial relations with all American countries as would lead to a large increase in the export trade of the United States. . ."

Peace was essential to commerce. And following the Peace Congress, said Blaine, there would in all probability have been a great commercial conference at Mexico or Rio de Janeiro from which the United States could hardly have failed to gain great advantages.

#### CONGRESS EMPHASIZES CLOSER TRADE RELATIONS

The Congress of the United States exhibited more interest in improving American trade with South America than in the idealistic schemes of inter-American solidarity which had been kept alive in Latin America. Between 1880 and 1888 a number of bills were introduced in the House and the Senate requesting the President to call a conference of all the independent countries of the American continent to consider the improvement of trade relations between the countries of North and South America. The specific benefits sought from such conferences were largely commercial: the construction of a through railroad from the United States to Argentina and Chile along the foot

of the eastern slope of the Andes; the establishment of direct steamship communication between the ports of the United States and the ports of Central and South America; the establishment of a uniform system of customs regulations, of invoices, of weights and measures, of "uniform laws to protect the persons and property, the patent rights, copyrights, and trademarks of either country in the other"; the adoption of a common silver coin to be issued by each government. During the same period a smaller number of bills were introduced authorizing the President to arrange for the arbitration of all international differences.

None of these bills requesting the President to call an inter-American conference succeeded in passing both houses. However, in 1884, a section of the appropriation bill for the diplomatic and consular service authorized the appointment of a commission to visit such countries of Central and South America as the President might direct, to ascertain the best modes of securing more intimate international and commercial relations between these countries and the United States.

The commission was appointed and, after holding conferences with merchants and manufacturers in Boston, New York, Philadelphia, Baltimore, New Orleans and San Francisco, visited South America. The reports of the commission recommended that the United States call a conference of the governments of America to meet at Washington to consider the promotion of commercial intercourse and the preparation of some plan of arbitration; but no immediate action was taken.

#### FIRST PAN AMERICAN CONFERENCE MEETS IN 1889

In 1888 a bill authorizing the holding of such a conference passed both Houses of Congress and received the approval of President Cleveland. An invitation was extended to "the several Governments of the Republics of Mexico, Central and South America, Hayti, San Domingo, and the Empire of Brazil" to meet in Washington in 1889; and the agenda suggested by the United States included "measures that shall tend to preserve and promote the prosperity of the several Amer-



ican States"; the formation of an American customs union; steamship communications; establishment of uniform customs regulations, weights and measures, laws to protect patent-rights, copyrights and trade-marks; a uniform law on extradition; the adoption of a common silver coin; and "An agreement upon and recommendation for adoption to their respective Governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them. . ." At the same time each country was asked to feel free to add to the agenda. The invitation called particular attention to the fact that the conference was to be "consultative and recommendatory only."

All countries to whom the invitation was addressed accepted with the exception of Santo Domingo. No additions were suggested to the agenda in any of the notes of acceptance but Chile felt that the Conference should be confined to commercial and economic questions.

#### PLAN FOR CUSTOMS UNION DISCUSSED

Since most of the items in the agenda dealt with matters of commercial or economic importance it was natural that the greater part of the time of the Conference should be spent in a discussion of these matters. There was a long and bitter discussion as to whether the customs union proposed by the United States should be a *zollverein*, making the American nations into a single customs territory, or whether the proposal was simply for free trade and reciprocity among the American nations. The delegates of the United States differed among themselves as to just what the agenda called for and were at times forced to listen to some very plain speaking by delegates from several of the Latin American countries—particularly with regard to the tariff.

Several of the Latin American delegates were likewise extremely sensitive to any attempts—fancied or real—of members of the United States delegation to dominate the proceedings. On the whole, however, the attitude of the delegates from all the countries represented was one of frankness and cooperation.

#### CONFERENCE FAVORS COMPULSORY ARBITRATION

The formulation of a draft treaty of arbitration, though appearing in the agenda as only one item among quite a number, was regarded by many of the delegates as the most important matter before the Conference. Indeed the United States' invitation stressed it as one of the two chief purposes of the Conference. A treaty on arbitration was drafted and signed by eleven of the nations represented at the Conference, including the United States. It provided that arbitration should be obligatory in all controversies concerning diplomatic and consular privileges, boundaries, territories, indemnities, the right of navigation and the validity, construction and enforcement of treaties; and in all other cases arbitration should be equally obligatory except where in the judgment of any one of the nations involved in the controversy the question involved its independence. All controversies whether pending or hereafter arising should be submitted to arbitration. Arbitrators were to be chosen *ad hoc* for each dispute. The treaty was not ratified by the governments of the signatory delegates.

A supplementary resolution recommended that the various governments represented at the Conference adopt the rule that the principle of conquest should not be recognized as admissible under American public law while the proposed arbitration treaty was in force. This resolution was adopted by fifteen votes to one, the United States voting in the negative and Chile abstaining.

Few practical results were achieved at the first Pan American Conference. Of the nineteen recommendations adopted, some were merely innocuous gestures. For example, on the question of customs or reciprocity treaties, the Conference recommended that countries interested in the matter take such steps as seemed desirable to them. On other matters, such as sanitation and communications, the adoption of specific measures was recommended.

The most concrete result of the Conference was the establishment at Washington of the Commercial Bureau of the American Republics, an organization which was later to become the Pan American Union.

Criticisms of the First Conference, because few of its professed objects were immediately accomplished, were not lacking in either North or South America; but even the most bitter critics were forced to admit the profound moral effect on South America of a gathering in which all the American states sat with equal rights—no matter what their size or power.

The dispute between the United States and Chile, which broke out over the *Itata* and *Baltimore* incidents<sup>4</sup>, immediately after the adjournment, largely counteracted the enhanced prestige with which the United States emerged from the Conference. The war between the United States and Spain was also not without its effect in increasing Latin American suspicion of the United States.

#### SECOND PAN AMERICAN CONFERENCE, 1901-02

No provisions were made by the first Conference for the holding of similar meetings in the future, but in his annual message of December 5, 1899, President McKinley suggested that a second Pan American Conference be held. On the invitation of the Mexican Government, the Conference met in Mexico City in 1901. All the countries which had been represented at the First Conference sent delegates, together with Santo Domingo.

In his instructions to the United States delegates President Roosevelt urged them not to assume the leadership of the Conference, either in its organization or in its discussions. The plans and propositions of the Latin American States should be solicited and received with consideration and the rôle of leadership left to Mexico, as the host of the gathering. "With respect to political differences subsisting between the States of Central and South America," he added, "the general principle should be to enter as little as possible into these questions."<sup>5</sup>

At the second Pan American Conference the same types of questions were considered as at the first Conference but more attention seems to have been given to arbitration. One result of this Conference was a protocol in which the American Republics recognized as

a part of "Public International American Law" the principles of the First Hague Conference for the pacific settlement of international disputes. A number of the Latin American States signed a treaty on compulsory arbitration and the representatives of seventeen countries, including the United States, signed a treaty for the arbitration of pecuniary claims. A resolution was also adopted providing for the meeting of the next Pan American Conference within a period of five years. A similar resolution provided for the meeting of a Customs Conference in New York within a year. The Commercial Bureau of the American Republics was reorganized as the International Bureau of the American Republics and conventions and resolutions were passed on questions of an economic or commercial nature—the protection of patents, trademarks, copyrights, etc.

#### THIRD CONFERENCE MEETS AT RIO DE JANEIRO, 1906

The Third Conference met at Rio de Janeiro in 1906. The treaty for the arbitration of pecuniary claims was continued in force for a period of five years and a resolution was passed recommending the consideration at the Second Hague Conference of a general arbitration convention. At the Hague, to which the South American states had been invited through the influence of Mexico and the United States, the American States supported valiantly the principle of arbitration. Another resolution passed by the Third Pan American Conference recommended that the American States ask the Hague Conference to consider the question of compulsory collection of public debts. This subject, said the report of the American delegation, "overshadowed in interest all other topics before the Conference." The United States subsequently brought this question before the Hague Conference, where, after much discussion, a resolution was finally adopted.

A number of resolutions, such as those recommending adherence to certain sanitary regulations and the improvement of commercial relations, were also passed at the Third Pan American Conference. Moreover, the Bureau of American Republics was reorganized once more and to its other func-

4. Cf. Moore, *Digest of International Law*, Vol. VI, p. 854-854.  
5. International Conference of American States. Second Report of United States Delegates, p. 32.

tions was added that of being, in effect, a "permanent committee of the international American Conferences" which should help prepare the agenda for future conferences.

The Governing Board of the International Bureau of American Republics was authorized to designate the place and exact date of the next Pan American Conference, to meet within the next five years.

The visit of the United States Secretary of State, Elihu Root, to South America during the meeting of the Conference and his speeches on Pan Americanism added significance to the gathering. Though not a delegate to the Conference, he was asked to speak before it and, in his address on July 31, 1906, he voiced the North American idea of Pan Americanism:<sup>6</sup>

"According to your program," he said, "no great and single impressive thing is to be done by you, no political questions are to be discussed; no controversies are to be settled;\* no judgment is to be passed upon the conduct of any State; but many subjects are to be considered which afford the possibility of removing barriers to intercourse, of ascertaining for the common benefit what advances have been made by each nation in knowledge, in experience, in enterprise, in the solution of difficult questions of government and in ethical standards; of perfecting our knowledge of each other and of doing away with the misconceptions, the misunderstandings and the resultant prejudices that are such fruitful sources of controversy. . . We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American Republic."

#### FOURTH CONFERENCE DRAWS CRITICAL ATTENTION

At the Fourth Conference, which met at Buenos Aires in 1910, the spirit of harmony which apparently prevailed seemed noteworthy enough to be chronicled in the Report of the American Delegation. The agenda had been more carefully prepared than at the preceding Conferences and the delegates were able to work rapidly and efficiently. One of the significant developments was the examination of the reports of the delegations

as to the action of their respective governments upon the conventions and resolutions of the Third Conference. Conventions relating to patents, trade-marks, and copyrights were prepared and the convention on the employment of arbitration in the collection of pecuniary claims was redrafted and extended for an indefinite number of years. Twenty resolutions were passed. The Bureau of American Republics was once more reorganized, its functions increased, and its name changed to the Pan American Union. A proposal to change the legal basis of the Pan American Union was recommended to the future consideration of the American Republics. The proposal was made to put it on a permanent basis by concluding a treaty on the subject.

The work of the Fourth Conference in taking stock of past achievements or, more specifically, in finding out what each government had done with regard to the conventions and recommendations of the Third Conference, led to wide discussion in the press by the critics and defenders of the system of Pan American Congresses.

Manuel Ugarte, a bitter opponent of Pan Americanism, who had predicted the failure of the Fourth Conference in an article written before it met, said that the agenda was drawn up so that, out of ten real subjects, (the others being innocuous matters of form) only three were of equal interest to the American nations; the other seven were on the program only because they favored the prestige and expansion of the United States. After the Congress, Ugarte declared that everything vital had been avoided and none of the problems bothering the new continent had been settled. The hope for Latin America, he said, lay in Latin American Conferences from which the United States would be barred.

The Paris *Temps*<sup>7</sup> also belittled the results of the Fourth Conference: there had been no impressive triumph, merely a few detailed successes on secondary points. It likewise asked whether Knox had not lost some of the ground gained by Blaine and Root.

A later critic<sup>8</sup> said that of the fundamental

6. International Conference of American States. Third, 1906. *Minutes, Resolutions, etc.* pp. 91ff.

\*In the same vein were his instructions to the U. S. Delegates when he said:

"The true function of such a conference is to deal with matters of common interest which are not really subjects of controversy. . . ." Cf. International Conference of American States. Third. *Report of U. S. Delegates*, p. 35.

7. *Le Temps* (Paris), August 29, 1910.

8. Moreno-Quintana, L. M. *Pan Americanism and the Pan American Conferences*. (Inter-America. June, 1925. p. 432.)



themes discussed at the Pan American Conferences, relatively few assumed the form of conventions; most remained in the state of simple recommendations. Compulsory arbitration, codification of international law, nationality, American union, were still unsolved problems, "eloquent proof of the inefficacy of Pan Americanism."

These criticisms were answered in the periodical press of the United States by persons who had attended the Conferences or by students of the subject. It was pointed out that the public always expected striking and immediately effective results from international gatherings such as the Pan American Conferences, but usually overlooked the fact that these conferences were not legislative bodies having a will to be obeyed or a mandate to be enforced. Conferences of this kind, composed of sovereign states, were deliberative assemblies with the purpose of doing the utmost that could be accomplished with practical unanimity. It should be remembered, moreover, that although the specific treaties adopted by the Conferences are not always ratified by the various governments, the principles embodied in these treaties have often been embodied in national legislation of the various American countries.<sup>9</sup>

#### SIGNIFICANT DEVELOPMENTS BETWEEN 1910 AND 1923

The Governing Board of the Pan American Union called the Fifth Conference to meet at Santiago, Chile, in 1914. Owing to the War, however, the Conference did not meet until 1923. During this period between the Fourth and Fifth Conference Latin America became increasingly conscious of the Caribbean policy of the United States. The Spanish American War, begun in the name of humanity, had ended in material gains for the United States in Porto Rico and by the Platt Amendment in Cuba. The Panama Canal episode; the financial administration of the Dominican Republic; the "Dollar Diplomacy" of Knox; intervention and financial

control in Haiti, Santo Domingo, and Nicaragua—all these were regarded by many Latin Americans as links in a chain which hitherto had not been entirely visible. The Latin Americans felt that they saw a definite Caribbean policy directed against their interests; and the idea of the United States as a Colossus creeping gradually southward to engulf them gained credence. Writer after writer warned his countrymen against the menace of the north.

#### PAN LATINISM VS. PAN AMERICANISM

The idea of Pan Latinism (advocating closer relations between the Latin countries of Europe and America) was advanced as a check to Pan Americanism, and was encouraged in the Latin countries of Europe. It was argued that Pan Americanism lacked the natural basis of other "Pan" movements. The Latin Americans differed from the people of the United States in race, language, religion, historical traditions, social customs and culture. It was absurd to foster an artificial Pan Americanism.

A variation of Pan Latinism was Pan Hispanism which sought to draw the Hispano-American countries towards Spain and likewise opposed Pan Americanism. Pan Hispanism was not entirely based on "Yankeephobia"; some South Americans believed that the only way of "saving their nationalities from deterioration and chaos within and absorption from without is a return to the law of their origin, their historical past, their maternal traditions, their primal racial heritage."<sup>10</sup>

An analysis of the subject shows, however, that Pan Latinism and Pan Hispanism are not such a "natural" growth as might be assumed. Divergences in race and culture between Argentina and Venezuela, between Brazil and the Central American Republics, between Paraguay and France, though not equal to those between the United States and Brazil or Mexico, are nevertheless great. Despite cultural differences the American states have had a number of factors in common—geographical propinquity, an adherence to the re-

9. Reinsch, P. S. *The Fourth Pan American Conference*. (Annals of the American Academy of Political and Social Science, May, 1911, p. 598.) Shepherd, W. R. *The Pan American Conference at Buenos Aires*. (Columbia University Quarterly, June, 1911, p. 308.) Inman, S. G. *Pan American Conferences and Their Results*. (Southwestern Political and Social Science Quarterly, June, 1923, p. 257.)

10. Cf. Rippey, J. F. *Pan Hispanic Propaganda in Hispanic America*. (Political Science Quarterly, (1922) vol. 37, p. 406.)



publican form of government and, at least nominally, a community of political ideals.

A comparative survey shows that Pan American sentiment never was as strong in Latin America as in the United States, and, after each Pan American Conference in which the attempt was made to turn the idea to practical account, some incident occurred in which the action of the United States only increased the fears of Latin America. When the United States occupied Vera Cruz in 1914 there was immediate resentment throughout Latin America. "The single word Pan-Americanism sets my hair on end," wrote one South American.

#### "PRACTICAL PAN AMERICANISM"

On the other hand there were several factors during this period which aided the program of Pan Americanism. When the United States accepted the mediation of the ABC powers (Argentina, Brazil and Chile) in the dispute between the United States and Mexico and joined these four countries in a meeting at Niagara, profound satisfaction was expressed in Latin America. Comment in the press of both North and South America was almost unanimously favorable and the other members of the Pan American Union applauded and supported the idea. Professor Blakeslee<sup>11</sup> writes:

"Doctor Naon, the brilliant Argentine Ambassador at Washington, remarked to the writer in 1913, 'There is no Pan Americanism in South America; it exists only in Washington.' But the following year he said, 'The Niagara Conference has largely created a real Pan Americanism; it has made it actual; before this it was merely an ideal.'"

John Barrett, Director-General of the Pan American union, wrote<sup>12</sup> that this first effort at "practical Pan Americanism" did not result in peace in Mexico, "but it accomplished more than any other influence in many years to bring the American nations closer together and to prove their unselfish desire to aid each other in preserving peace in the Pan American family."

A similar attempt at "practical Pan Americanism" was made in 1915, when

President Wilson asked the delegates of the ABC powers and of three representative smaller powers to meet to discuss again the Mexican question. The significance of these two attempts at practical Pan Americanism must not be overlooked. The Latin American conception of Pan Americanism had always emphasized American political cooperation and, with minor exceptions, here were the first instances of it. Hopes ran high in South America: Pan Americanism, which had hitherto been academic or, in so far as it was practical, had been almost entirely confined to economic subjects, was now to become a living force. President Wilson's speeches likewise increased the confidence of Latin America in the United States and the former President of Honduras<sup>13</sup> wrote that the thought and heart of America had unanimously and enthusiastically applauded Wilson's Mobile speech and program.

Before the Fifth Conference, however, disillusionment set in. Practical Pan Americanism was seen as a temporary exception to the old program, not the beginning of a new policy.

#### POST WAR REACTION

The most important influence on Pan Americanism between the Fourth and Fifth Conferences was the World War which threw Latin America with the United States, who,—until it entered the war,—was the principal champion of neutral rights. The entry of the United States into the war heightened the esteem in which the United States was held in Latin America. These countries felt that the United States, which they had always regarded as being essentially materialistic, was entering the war "in accordance with high principles and idealistic motives." The idea of Pan Americanism was never so strong in Latin America as between 1914-1918.

There was an inevitable reaction when the enthusiasms of the war period died down. The first payment by the United

11. Blakeslee, G. H. *The Recent Foreign Policy of the United States*, p. 134-5.

12. John Barrett, *Practical Pan Americanism*, *North American Review*, September, 1915.

13. Policarpo Bonilla, *The Wilson Doctrine. How the speech of President Wilson at Mobile, Ala., has been interpreted by the Latin American Countries*, New York, 1914. Mr. Bonilla's sub-title is rather misleading as the greater part of his article is in reality a summary of Latin American grievances against the United States.

States to Colombia in the Panama affair did not offset the feeling that in retiring from Europe and in refusing to join the League of Nations the United States had betrayed its trust.

That most of the Latin American states were members of the League was also a factor of importance. They were members of an association of states which guaranteed their territorial integrity and political independence. The League Assembly further provided them with a tribune where they might air their grievances against the United States. They were being courted by both the League and the United States and their confidence and stature had increased.

#### FIFTH CONFERENCE CONVENES IN 1923

The Fifth International Conference of the American States finally met at Santiago in 1923. On its program were a number of complicated political problems (disarmament, proposals for an American League, a possible consideration of the Monroe Doctrine, etc.,) which differed from the safer and simpler problems of past conferences. The proposed reorganization of the Pan American Union and a revision of its functions also promised some difficulty. The possibility of trouble at the Conference was greater because of the known fundamental divergence of aims: the Latin American delegations looked forward to closer political cooperation through the conferences, a development to which the United States was opposed.

The results of the Conference were embodied in four conventions and over sixty resolutions. Of the conventions, three—those dealing with the protection of trademarks, with the publicity of customs documents, and with the uniformity of nomenclature for the classification of merchandise—were signed by the representatives of all the eighteen nations represented at the Conferences. The treaty for the pacific settlement of disputes between the American states (by means of commissions of inquiry) was signed by sixteen states, Costa Rica and Salvador abstaining. This treaty provides for the creation of a com-

mission of inquiry in case of a dispute between any American nations. The commission has a year in which to render its report and during this period, and a subsequent period of six months after the rendition of the report, the parties are under obligation not to resort to war, nor even begin the mobilization or concentration of troops. Article VI of the Treaty reads:

“The findings of the Commission will be considered as reports upon the disputes, which were the subjects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.”

If, during the period of eighteen months, the parties are unable to settle their differences amicably, they regain their entire liberty of action. It was originally proposed that, if the parties to the dispute could reach no agreement after the report of the commission of inquiry, the dispute should be submitted to arbitration, provided it did not affect the sovereignty, honor, vital interests or constitutional provisions of the parties to the dispute or the interests of third parties, but the states were unable to agree on an arbitration clause and it was therefore omitted. According to information from the Pan American Union this treaty has to date (November, 1927) been ratified by the following governments: Brazil, Chile, Cuba, Guatemala, Haiti, Paraguay, United States of America and Venezuela. It is therefore (cf. Article IX) in effect between these eight countries.

The resolutions adopted by the Fifth Conference deal with matters of a legal nature, such as the rights of aliens, a conference to consider the codification of international law, a proposal defining the status of children of foreigners, etc.; with matters of a humanitarian nature such as sanitary safeguards, principles and procedures of public health administration, urging states to ratify the Hague Opium Convention, etc.; and matters of an economic or commercial nature such as electrical communications, commercial aviation, uniformity of customs regulations and communications statistics.

The proposal for the limitation of armaments led to bitter discussions. The United States had just reduced its navy at the

1921 Washington Conference. Argentina and Brazil with two battleships each and Chile with one modern battleship were the only "naval powers" of Latin America, and they were unable to reach any agreement as to limitation in the future. The meetings of the committee on disarmament were secret and public opinion could not exert its force. It is believed by some that the failure to reach an agreement on disarmament was due to the influence of the United States naval mission to Brazil.<sup>14</sup>

On the question of the reorganization of the Pan American Union there was a marked difference of opinion. Since this difference is of a fundamental nature and is not yet settled, it will be well to review separately the development of the Pan American Union.

#### DEVELOPMENT OF PAN AMERICAN UNION

The Pan American Union had its origin in the Commercial Bureau of the American Republics which was established by the first Pan American Conference in 1890.<sup>15</sup> It was to be supported by all the American nations in proportion to their population. The Secretary of State of the United States was asked to organize, establish, and supervise the Bureau after a majority of the nations at the First Conference had officially notified him of their consent to join the International Union of American Republics—the Union of which the Bureau was the organ. Its functions were to compile and publish, in English, Portuguese, and Spanish, information on the commerce, customs tariffs, production and laws of the various American countries.

At the Second Conference in Mexico in 1902 the functions of the Bureau were enlarged and its administration was transferred from the United States Secretary of State to a Governing Board composed of the

"Secretary of State of the United States of America, who shall be its chairman, and the diplomatic representatives of all the Governments represented in the bureau and accredited to the Government of the United States of America."

At Rio de Janeiro in 1906 the Third Conference further modified the organization and functions of the Bureau by raising it from the status of a mere commercial bureau to that of an organ of cooperation as well as a permanent committee to serve in preparing the programs and reports for future Pan American Conferences.

#### REORGANIZATION PROPOSED AT FOURTH CONFERENCE

In 1910 the Fourth Conference changed the name of the Bureau to the "Pan American Union," and gave it the additional function of compiling and publishing information on the legislation of the various American Republics. A temporary break in diplomatic relations between Bolivia and Argentina (where the Fourth Conference was held) caused the absence of Bolivia from the Conference and raised the question of the effect of recognition upon membership in the Conference. No official records of the proceedings in committee were kept at the Fourth Conference, but the question of recognition apparently led to a consideration of the fact that where the United States Government did not recognize any Latin American country, that country could have no representative in the Governing Board of the Pan American Union.

This situation was improved by the adoption of a provision that "any Republic having no representative accredited before the Government of the United States of America may designate a member of the Governing Board to represent it in the Union of American Republics and in this case said representative will have a vote for each representation." The idea occurred to the delegates of some countries (to employ the words of the Report of the United States Delegates<sup>16</sup>) "that it would be more in accordance with the equal dignity of all the members in the Union if the chairmanship of the board were made elective" instead of being

14. Cf. Blakeslee, op. cit. p. 145.

15. The Pan American Union is the institution which serves as the permanent organ of the International Union of American Republics which, in turn, is the twenty-one American republics in their organized form. The Pan American Union is neither the International Union of American Republics nor is it to be confused with the Pan American Conferences which meet from time to time. Its position towards the former is that of a permanent secretariat toward the twenty-one republics in their organized capacity. The Governing Board of the Pan American Union acts as a permanent council. The periodical Pan American conferences are the assembly. The headquarters of the Pan American Union are in Washington in a building erected through the generosity of Mr. Andrew Carnegie.

16. International Conference of American States. Fourth. Report of United States Delegates, p. 9.

vested permanently in the United States Secretary of State. It was pointed out, however, "that by the common practice of international unions a position of similar dignity is usually accorded the minister of foreign affairs of the country in which the union has its seat; also that the presidency of the Secretary of State would powerfully assist the union and help to increase its dignity and efficiency. The importance of these considerations was universally admitted, and the dignity of the presidential office was again conferred upon the Secretary of State of the United States as an honor freely bestowed by the American nations."

It was also decided at this Conference to continue for a while the organization of the Pan American Union on the basis of a resolution rather than on a conventional basis, and the matter of reorganization of the Pan American Union was placed on the agenda of the Fifth Conference.

#### PREPONDERANCE OF U. S. IN PAN AMERICAN UNION

An analysis of the organization of the Pan American Union until 1923 showed the predominance of the United States because of the following factors:<sup>17</sup>

The seat of the Union was in Washington; membership on the Governing Board was confined to diplomatic representatives accredited to only one (the United States) of the twenty-one governments; the United States was represented by the Secretary of State who thus outranked diplomatically all the other members; the presidency of the Governing Board was permanently in the United States Secretary of State. The director of the Pan American Union has always been a North American, the largest part of the literature distributed has been in English, and the largest use of the Union has been made by North American commercial agencies.

In the eyes of Latin Americans the political and commercial primacy of the United States did not warrant the virtual recognition of the legal supremacy of the United States in the Pan American Union. At the Santiago Conference proposals were made to

correct any legal inequality that might exist.

#### PARTIAL REORGANIZATION OF GOVERNING BOARD

In spite of the discussions which had taken place at the Fourth Conference, a member of the United States delegation, in the capacity of reporting delegate at the first meeting of the political committee of the Fifth Conference, presented as a basis of discussion a resolution which practically continued without change the organization of the Union as it then existed. The Latin American countries immediately commenced their attack on the American proposition. The presentation of the resolution confirming the past organization has been criticized as a diplomatic mistake because, instead of yielding graciously to the inevitable, it gave the impression that the United States was going to hold out for her supremacy in the organization of the Union.

The first amendment to the resolution was made at the suggestion of the Chilean delegation. It provided for the creation of four permanent committees—on economic relations, on labor, on hygiene, and on intellectual cooperation—to assist the Pan American Union in its work.

The real struggle, however, arose in committee over the proposal of the Costa Rican delegation that the representatives of the American Governments should be accredited directly to the Pan American Union instead of being, as heretofore, the diplomatic representatives of those governments accredited to the Government of the United States. The proposal was, in effect, to take away from the United States the privilege of deciding through its recognition policy what states should belong to the Governing Board of the Union. The question was pertinent because of the absence of Mexico<sup>18</sup> from the Fifth Conference. The Mexican Minister at Santiago is reported to have told the press that the reason Mexico was not represented at the Conference was because the United States had not recognized Mexico and she could therefore have no voice in the Pan American Union.

17. Cf. Inman, loc. cit. p. 349.

18. Peru and Bolivia were also absent from the Fifth Conference.



It was argued further that the Latin American representatives on the Board of the Pan American Union should feel free to criticize the proposals made by any nation; but that when these representatives were also the diplomatic representatives of these countries in Washington they might not feel that they had this freedom. A minister might be recalled for criticizing the Government to which he was accredited. It was in any case impossible to divorce the two very distinct functions of the Latin American representatives when they were placed in one and the same man.

However, the "Honorable Delegation of the United States and various other delegations" were against the idea of two-fold representation of the Latin American states in Washington: The Pan American Union might suffer in prestige if the members of the Governing Board of the Union were not diplomatic representatives having access to the United States Government. Likewise, a division of opinion might arise between the two representatives of the country.

After a sustained discussion, a conciliatory formula was reached and the committee report was unanimously adopted by the Conference. The first clause of Article V of the Resolution on the Organization of the Pan American Union<sup>19</sup> says that the American Governments enjoy representation in the Pan American Union "as of right." After thus making it plain to all that representation in the Union shall not depend on recognition by the United States, the article concedes the position defended by the United States in committee that:

"The government of the Pan American Union shall be vested in a Governing Board composed of the diplomatic representatives of the American Republics accredited to the Government of the United States of America, and the Secretary of State of that country."

However, it continues, if for any reason—even the temporary absence of its diplomatic representative from Washington—an American Republic may not have a diplomatic representative there accredited to the Government of the United States it may appoint a special representative on the Governing Board.

<sup>19</sup> International Conference of American States. Fifth. *Verbatim Record of Plenary Sessions*.

Article V provides finally that, "The Governing Board will elect its President and Vice President." The Secretary of State of the United States was immediately elected to this office and by some it is thought that he will continue to be elected; but the sting is taken out of his presidency of the Governing Board: he does not get it now except upon election.

In spite of the unanimous adoption of these provisions, everyone was not satisfied with the compromise and a supplementary resolution was adopted recommending future action on the subject of the Sixth Conference. Nevertheless, the draft convention formulated by the Governing Board for placing the Pan American Union on a permanent conventional basis (which appears on the agenda of the Sixth Conference) contains no modification of the compromise reached in Article V in 1923.

#### PROPOSALS FOR AMERICAN LEAGUE OF NATIONS

There was more to the attempt to eliminate the inequalities of the Pan American Union than appeared on the surface: it served likewise as the point of attack for the transformation of the Pan American organization into an American league of nations. The delegate of Costa Rica, Mr. Quiros, said he looked forward to the time when the Office (*Oficina*) of the American Republics would become the "independent body of the Society of Nations of our continent."<sup>20</sup> At the same meeting of the Fifth Conference Mr. Garay, delegate of Panama, said:

"Those of us who aspired to see the Governing Board of the Pan American Union become for our America what the Council of the League of Nations is to its Associated Members . . . take with us the satisfaction that according to the spirit of the resolution agreed upon, if not literally, the Pan American Union can no longer disinterest itself from the important questions that involve the internal peace of the continent."

The idea of an American League of Nations was advocated by President Wilson and Colonel House during 1914 and 1915. Their plan called for a rather loose association of the American states who should join in a mutual guaranty of territorial integrity and political independence under a republican

<sup>20</sup> *Ibid.* p. 491.

form of government. The plan also embraced the amicable settlement of international disputes by means of permanent international commissions for investigation or, failing settlement in this way, by arbitration. Another clause provided that no country should permit the exportation from its jurisdiction of any arms or munitions to persons notified to be in revolt against the established government of any of the high contracting parties. This plan was taken up by Colonel House with the Ambassadors of the A. B. C. powers, but the decided opposition of Chile checked the project and by 1916 its sponsors were looking beyond an American league to a world league of nations.<sup>21</sup>

#### URUGUAY REVIVES LEAGUE PROJECT

The idea of an American league of nations was revived prior to the Fifth Pan American Conference by President Baltasar Brum of Uruguay. It was in a sense the spiritual descendant of the proposals of Bolivar and the early Latin American Conferences which aimed at the political solidarity of the American States. It differed from them in that it counted on including the United States; and it had the League of Nations as a model. Brum vaguely suggested the idea in a speech made in 1917 and later elaborated a definite plan which he represented in a speech in 1921 and in a monograph in 1923.<sup>22</sup> The vision of a league in which all the countries should participate (without prejudice to their adherence to the League of Nations) "on the basis of absolute equality of all associate countries" appealed strongly to Brum and to the supporters of his plan. There would be an American "Article 10," provisions for arbitration and other provisions similar to the present League of Nations. Brum thought his league—a regional league—would not prejudice the League of Nations, because, he said:<sup>23</sup>

"The organization of this [i. e. the American] league is in my opinion a logical sequence to the Versailles Treaty of Peace, which, in recognizing and expressly accepting the Monroe Doctrine,

seems to be desirous of limiting its sphere of action as far as American affairs are concerned."

President Brum's plan for an American league of nations on the basis of the absolute equality of its members aroused widespread interest and support in Latin America and it appeared on the agenda of the Fifth Pan American Conference under the heading, "IX, Consideration of measures tending toward closer association of the Republics of the American Continent with a view to promoting common interests." For some reason, that question and another proposal of the Uruguayan delegation, "Consideration of the questions arising out of an encroachment by a non-American power on the rights of an American nation" (a proposal for the Pan Americanization of the Monroe Doctrine?) were not discussed by the Conference. The Report of the United States Delegates stated that<sup>24</sup>

"the Uruguayan delegation during the early sessions of the conference let it be known that it was not their intention to press for the consideration of these two topics by the Fifth Conference," and the Conference decided to entrust to the Governing Board of the Pan American Union the task of studying propositions and methods towards a closer association of the Republics of the American Continent.

The matter does not appear on the agenda for the Sixth Conference,<sup>25</sup> but it might be raised in connection with the item for the "organization of the Pan American Union on the basis of the convention."

#### CRITICISMS OF FIFTH CONFERENCE

Criticisms of the results of the Fifth Pan American Conference were many and were generally unfavorable in Latin America and

24. International Conference of American States. Fifth. Report of the Delegates of the United States. p. 8. Inman, loc. cit., p. 354, says that the Uruguayan delegation "had evidently received word from influential quarters that they ought not to push their project" and "it was generally understood" that this opposition came from the United States. Cf. also Inman, *Hacia la Solidaridad Americana*, Madrid, 1924, p. 87.

25. It is interesting to note that at the Eighth Assembly of the League of Nations on September 10, 1927, Dr. Morales of Panama spoke against the idea of an American league of nations which, he said, would not be of great value simply because it was not universal; and which, furthermore, was based on the "erroneous idea that there is a single representative spirit of America and that all the nations of the New World are linked by common interests which are stronger and more numerous than those that bind them to European countries." As a matter of fact, he continued, the Argentine Republic and Guatemala, for instance, have fewer interests in common than exist between the Argentine and England, or between Guatemala and Germany.

21. Cf. Seymour, C. *Intimate Papers of Colonel House*, Vol. 1, chapter VIII.

22. Brum, Baltasar. *The Peace of America*, Montevideo, 1923. The main principles of the scheme advocated by Wilson and House in 1915 are included in Brum's project, but Brum's plan goes further and stresses the absolute equality of all members.

23. Brum loc. cit. p. 31.

Europe. And the New York *Evening Post* wrote<sup>26</sup> that more ground was lost than won; that American sincerity, already questioned, was now under deeper suspicion than ever because "we are suspected of concealing selfish economic aims under a cloak of fine talk about Pan Americanism." *El Mundo* of Havana is reported to have said, "This meeting was entirely under the control of the United States. The same old patents, trademarks, and sanitation."<sup>27</sup>

*La Prensa* of Buenos Aires said<sup>28</sup> that Chile, induced by the Arica arbitrations, had inopportunistly precipitated the Conference as a courtesy to the United States, "whose insistence on celebrating such conferences with frequency is almost notorious." Furthermore, continued *La Prensa*:

"the absence of Mexico, Peru, Bolivia. . . ; the protests from Haiti and Santo Domingo; the discontent of the delegates from Cuba, Ecuador, Colombia, and Venezuela and the reforms supported by the six Central American republics and Panama [*sic*] disclose a spirit of discontent more than latent on the part of at least fifteen republics, and precisely on the part of those republics over which the United States exercises constant influence, political, military, and commercial, sometimes quite disturbing."

Mr. Frank B. Kellogg, a member of the United States Delegation, is reported to have said, "The Conference at Santiago has been a great success."

#### LATIN AMERICA DISSATISFIED WITH PRESENT TREND

It has been evident for some time that the Latin American countries are not satisfied with the trend Pan Americanism is taking. Some of their indifference may be due not so much to any opposition to Pan Americanism, as such, as to certain of the reasons which cause Latin American distrust or dislike of the United States. Thus the traditional historical grievances such as the Mexican War and Olney's declaration; the Caribbean policy of the United States; the economic superiority of the United States, arousing envy as well as a genuine fear that the United States will get a stranglehold on

the continent; the cultural differences, with the fear of cultural domination of the continent by the Yankees—all these may have their influence on Latin American indifference or opposition to Pan Americanism.

Even allowing for some opposition to Pan Americanism on the ground of dislike of the United States, the fact remains that the attention of the Pan American Conferences has in the past been directed to matters in which the Latin Americans were not primarily interested. A survey of the speeches of Latin Americans, of their books and articles on Pan Americanism and of their proposals and suggestions to the Conferences, shows that the Latin American conception of Pan Americanism emphasizes three factors—equality, cooperation and non-intervention. The absolute legal equality of all the American states has been stressed at the Pan American Conferences, and one of the most important features in the proposed scheme for an American league of nations was the complete equality of all states in the Council as well as in the Assembly. Cooperation should not be limited to economic and cultural matters but it should be primarily political. The Latin American countries were foremost in their support of arbitration, of the principle of non-conquest under American public law and of an American league. They have also been eager to bring questions such as the Monroe Doctrine and intervention before the Conferences.

Pan Americanism in practice—as seen by the results of the Conferences—is something quite different from the Latin American conception of what it should be. The emphasis is in a different place. The results of the five Pan American Conferences have been mainly on matters of an economic, commercial, or humanitarian nature rather than on matters of a political nature. These five Conferences were moreover but a minority, numerically, in the total number of Pan American Congresses. In addition to the five International Conferences of American States there have been three Pan American Commercial Congresses—in 1911, 1919, and 1927; a Pan American Congress of Journalists in 1926; a Pan American Commercial Aviation Commission in 1927; a Pan American Commission on Consular Procedure in

26. New York *Evening Post*, August 18, 1923. Editorial, "Our Sorry Role at Santiago."

27. Blakeslee, op. cit. p. 185.

28. Translation of an article from *La Prensa* for June 2. Reprinted in New York *Evening Post* of August 22, 1923. Also reprinted in *Living Age* of August 11, 1923.



1927—all held under the auspices of the Pan American Union. There have also been three Pan American Scientific Congresses with a fourth scheduled to meet at Costa Rica in 1929; an Inter-American Electrical Communications Commission at Mexico City in 1924; a Pan American Congress of Highways at Buenos Aires in 1925, with a second Congress scheduled to meet at Rio de Janeiro; two Pan American Standardization Conferences, at Lima, Peru in 1924 and at Washington in 1927. A Pan American Conference on Eugenics and Homoculture is scheduled to meet at Havana in December, 1927; Pan American Red Cross Conferences have met at Buenos Aires in 1923 and at Washington in 1926; the Fourth Pan American Child Welfare Conference met at Santiago in 1924; and the Pan American Commission of Jurists met at Rio de Janeiro in 1927.

#### NON-POLITICAL TREND FAVORS UNITED STATES

Is this trend toward a non-political Pan Americanism the realization of the wishes of the founders of the movement, or is it an unforeseen development? The answer depends on whether one regards Bolivar and the South American advocates of political Pan Americanism as its founders, or whether one considers that the movement started with Blaine. Certainly it is the ideas of Blaine and the Americans rather than those of Bolivar and the Latin Americans which have predominated until now.

The position of the United States is such that she has less to gain from political cooperation than from economic cooperation with the South or Central American states. Economically, however, her position is different; in spite of her economic preeminence, she may reap advantages from uniform agreements on trademarks, communications statistics, and similar matters. It is obvious that the chief gains which can come to the United States—already politically strong—are in matters of an economic or commercial nature, where an inter-American agreement would facilitate United States trade.

The United States has not opposed in principle having the Conferences draft means for the peaceful settlement of inter-

national disputes, but on such matters progress is slow and time is taken from practical matters such as a convention on trade-marks or patents. The fact is that the United States is in a position to benefit more by agreements of an economic nature than are the Latin American countries.

Each side has naturally favored the kind of cooperation from which it has most to gain.<sup>29</sup> The United States has been able to prevent action on matters to which she is opposed, and under the circumstances many observers are asking whether one can expect the Latin American nations to continue much longer their interest or cooperation in a scheme which, they feel, does not consider their interests or wishes, and does not make the best use of its possibilities.

#### SIXTH CONFERENCE FACES CRITICAL ISSUE

Before the last Conference (in 1923) the Latin American press judged that the meeting would be inopportune and it could only result in failure. After the Conference, the gloomy prophets felt their predictions had been justified. Since then the Nicaraguan trouble—to mention only the sorest spot—has aroused Latin America.

Already South American writers predict the failure of the coming Sixth Conference<sup>30</sup> and as we go to press it is reported that Brazil has asked for the postponement of the Conference but that Dr. Rowe, Director General of the Pan American Union, considers postponement improbable.<sup>31</sup> An editorial in *La Nacion* of Santiago, Chile says that the present relations between American countries would make it wise to postpone the meeting and alludes to the disputes between Chile and Peru, Bolivia and Paraguay, Peru and Ecuador and Colombia, and the intervention of the United States in Nicaragua.<sup>32</sup> *El Mercurio* of Santiago likewise declares itself in favor of postponement and fears that the absence of a more definite program will involve the Conference in a

29. The attitude of Latin America towards Pan Americanism has of course not been uniform in the twenty republics. Chile, for example, has been opposed to the discussion of arbitration and political questions. But in general the cleavage between the interests of the United States on the one hand and Latin America has been as indicated above.

30. Cf. *Living Age*, June 15, 1927, p. 1048 ff., translation of article from *La Prensa* (Buenos Aires) of April 20.

31. *La Prensa*, (New York) October 28, 1927.

32. *Ibid.*, October 26, 1927.



harmful political debate,<sup>33</sup> though *El Comercio* of Lima, Peru, replies that this is because Chile fears the discussion of the Tacna-Arica dispute at the Conference.<sup>34</sup>

As at Santiago in 1923, the unmentioned issue before the forthcoming Havana Con-

ference is whether Pan Americanism shall remain in its present form or whether, entering more definitely the political field, it shall freely consider and attempt to solve the difficult political questions which exist between the American nations.

## APPENDIX

### PROGRAM OF THE SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES TO ASSEMBLE AT HABANA, CUBA, JANUARY 16, 1928

#### I

##### PAN AMERICAN UNION

Organization of the Pan American Union on the basis of a convention prepared by the Governing Board of the Pan American Union, in accordance with the resolution adopted by the Fifth International Conference of American States on May 1, 1923.

#### II

##### MATTERS OF AN INTER-AMERICAN JURIDICAL NATURE

1. Consideration of the results of the Commission of Jurists which assembled at Rio de Janeiro.

2. In view of the fact that the codification of international law has been entrusted to the Commission of Jurists which assembled at Rio de Janeiro, the commission has been recommended to give preferential attention to the study of "Methods for the pacific settlement of international disputes;" but if the commission should not have time to dispatch this part of its work, this topic will be considered included in the program and submitted to the consideration of the Sixth Conference.

3. The Commission of Jurists which assembled at Rio de Janeiro was entrusted, by resolution of the Fifth International Conference of American States, with making comparative studies tending toward uniformity in civil law, commercial law, procedure law, and other branches of private law; and the Governing Board has recommended that they give preferential attention to the preparation of projects of uniform legislation on:

(a) Commercial law and other branches of legislation in which uniformity is possible and desirable;

(b) Maritime law, for the preservation of life and property on board ship;

(c) Principles to which the juridical status of companies organized in a foreign State should be adjusted, with a view to securing uniform standards;

(d) Legislative measures for extending to women the same civil rights as those enjoyed by adult males;

(e) Bases for determining the nationality of individuals with a view to eliminating the conflict of laws on nationality;

(f) Legislation designed to prevent the loss of nationality by a woman because of marriage;

(g) Recognition of the validity, by the authorities of the States represented at the Conference or which adhere to its conventions, of the acts and documents relating to the civil status of persons, estates, and contracts made by foreigners before the respective diplomatic and consular agents, and the preparation of a standard form for each of the aforesaid instruments;

(h) Commercial arbitration;

(i) Elimination of the differences in the juridical system relative to bills of exchange and checks, by means of an international agreement or uniform legislation;

(j) Organization and regulation of the international service of checks and postal money orders; and

(k) Regulation of the use of water power and other uses or applications of the waters of international rivers for industrial and agricultural purposes.

If the commission should not have time to prepare these projects, this topic will be considered included in the program and submitted to the consideration of the Sixth Conference.

4. Frontier Police.

#### III

##### PROBLEMS OF COMMUNICATIONS

1. Consideration of the results of the work of the Inter-American Commission on Commercial Aviation, provided for by resolution of the Fifth International Conference of American States.

2. Regulation of international automotive traffic.

3. Means for facilitating the development of fluvial intercommunication between the nations of America.

4. (a) International regulation of railway traffic.

(b) Consideration of the report of the Pan American Railway Committee.

5. Organization of a technical commission to study and recommend the most effective means for the establishment of steamship lines to connect the countries of America and to recommend measures for the elimination of all unnecessary port formalities.

<sup>33</sup>. Ibid, October 19, 1927.

<sup>34</sup>. Ibid, October 22, 1927.

6. Consideration of the results of the Pan American Highway Conference, which met at Buenos Aires in October, 1925, in compliance with a resolution of the Fifth International Conference of American States.

7. Consideration of the results of the Inter-American Electrical Communications Conference, which met at Mexico City in compliance with a resolution of the Fifth International Conference of American States.

#### IV

##### INTELLECTUAL COOPERATION

1. Establishment of a Pan American geographical institute which shall serve as a center of coordination, distribution, and dissemination of geographical studies in the American States and as an organ of cooperation between the geographical institutes of America for facilitating the study of boundary questions between the American nations.

2. Recommendation to the countries of America that in their legislation they levy a minimum duty on the importation of books and minimum postal rates on books and periodicals.

3. Recommendation to the countries, members of the union, that have not yet done so, to publish geodetic, geological, agricultural maps, etc., which will give an idea of their natural resources, possibilities of development, and also of their means of communication.

4. Revision of the Convention on Intellectual Property signed at Buenos Aires (1910).

5. Establishment of scholarships and fellowships.

6. Exchange of professors and students.

7. To recommend the establishment of special chairs, supported or subsidized by the government, for the study of the Spanish, English, and Portuguese languages and of their respective literatures.

8. To recommend the establishment in the Universities of the countries, members of the Pan American Union, of special chairs for the study of the commercial legislation of the American Republics.

9. Consideration of the results of the Pan American Congress of Journalists, which met at Washington in compliance with a resolution of the Fifth International Conference of American States.

#### V

##### ECONOMIC PROBLEMS

1. Uniformity of legislation on consular fees.

2. Conference of chambers of commerce and, as a part of its program, organization of an inter-American chamber of commerce.

3. International aspects of immigration problems.

4. Revision of the conventions signed at Buenos Aires in 1910 and at Santiago, Chile, in 1923, with a view to formulating changes which shall assure uniform and effective protection for trade-marks in the States members of the Pan American Union.

5. Consideration of the results of the Conference on Uniformity of Communication Statistics, which met at Lima in December, 1924, in compliance with a resolution of the Fifth International Conference of the American States.

6. Consideration of the results of the Standardization Conference which met at Lima on December 23, 1924, in accordance with a resolution of the Fifth International Conference of American States and the conference which will meet at Washington in 1927.

#### VI

##### SOCIAL PROBLEMS

1. Consideration of the action taken by the American States in complying with the recommendations of the Fifth International Conference of American States on the Pan American Maritime Sanitary Code.

2. Consideration of the action taken by the American States in complying with the resolution on principles and procedure in public-health administration approved by the Fifth International Conference of American States at its session of April 16, 1925.

3. Consideration of the results of the Conference on Eugenics and Homoculture which will meet at Habana in 1927, in compliance with a resolution of the Fifth International Conference of American States.

4. Consideration of the results of the Conference of Directing Heads of Public Health Services which was held at Washington in September, 1926, in compliance with a resolution of the Fifth International Conference of American States.

5. Consideration of the action taken by the countries of America for the organization and development of national Red Cross societies, and the results of the Pan American Red Cross Conference referred to in the resolution adopted by the Fifth International Conference of American States on April 12, 1923.

#### VII

##### REPORTS ON TREATIES, CONVENTIONS, AND RESOLUTIONS

Submission by the delegates and consideration by the Conference of reports on the action taken by the States represented at the previous Pan American Conferences on the treaties, conventions, and resolutions adopted at said Conferences.

#### VIII

##### Future Conferences.

Unanimously approved by the Governing Board of the Pan American Union at the meeting of April 12, 1927.

FRANK B. KELLOGG,  
*Chairman.*

E. GIL BORGES,  
*Secretary.*

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